

THE CITY OF CLAYTON

Board of Aldermen Meeting
City Hall – 10 N. Bemiston Avenue
February 26, 2013
7:05 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Goldstein
City Manager Owens
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the February 12, 2013 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the February 12, 2013 minutes. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR SEEDZ CAFÉ, 6344 SOUTH ROSEBURY AVENUE

Alderman Harris moved that the Board open the public hearing with regard Resolution 13-03, to consider a request for a conditional use permit for Seedz Café located at 6344 S. Rosebury and request proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a vegan restaurant to be known as Seedz Café.

Seedz Café proposes to occupy the 700 square foot tenant space formerly occupied by a hair salon. Seating for 23 patrons inside the restaurant will be provided. The outdoor dining area, to be located on the private property directly in front of the restaurant, proposes to accommodate an additional six (6) patrons, for total customer seating of 29.

The subject building contains commercial and retail uses on the first floor and residential uses on the second floor. Because the restaurant's location is outside the Central Business District and is less than 3,000 square feet, only employee off-street parking is required. The required number of spaces is based on the maximum number of employees that will be working at the restaurant on any given shift. According to the applicant, a maximum of four employees will be working per shift; therefore, four

parking spaces are required. The applicant has secured four parking spaces located on the Concordia Seminary.

The restaurant will be open Tuesday through Sunday, 10:00 a.m. to 8:00 p.m. Deliveries to the restaurant will be made during business hours, one to two times per week, through the back door via the alley. Delivery service from the restaurant is not proposed. Trash will be stored in receptacles located in the alley behind the building.

The Plan Commission considered the request for the Conditional Use Permit at its February 4, 2013, meeting and voted unanimously to recommend approval to the Board of Aldermen. The Architectural Review Board unanimously approved the outdoor dining at its February 4, 2013, meeting.

Recommendation is to approve a Conditional Use Permit for the operation of Seedz Cafe at 6344 South Rosebury Avenue.

Mr. Montgomery Gralnick, owner, addressed the Board stating that the menu will consist of an inspired California cuisine of vegan foods. He expressed his excitement in opening in Clayton.

Alderman Harris moved that the Board close the public hearing with regard to Resolution 13-03. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Mr. Gralnick requested a change in hours of operation for the weekend to be extended to 10:00 p.m.

Mayor Goldstein suggested to Mr. Gralnick that tonight the Board could approve the conditional use permit as it is written and then he could submit a request to the Plan Commission to change the operating hours without a delay in his schedule for opening the restaurant. She asked if the restaurant will be applying for a liquor license and if so, both the liquor license and the request for the extension of the operating hours could possibly be on the same agenda.

In response to Mayor Goldstein's suggestion and question, Mr. Gralnick agreed that he would apply later for a change in the operating hours and stated that he will also be applying for a liquor license to serve organic beers and wines.

Alderman Harris moved to approve Resolution 13-03, granting a conditional use permit for Seedz Café located at 6344 S. Rosebury. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

In response to Mayor Goldstein's question, Mr. Gralnick stated that they are planning on opening in April.

AN ORDINANCE TO APPROVE THE FIRST QUARTER BUDGET AMENDMENT TO THE FISCAL YEAR 2013 BUDGET

Janet Watson gave a brief summary of the first quarter amendment of FY2013 noting the majority of the items for the amendments are for projects that were not completed in the last fiscal year. She noted that it involved a lot of transfers, but she is working together with the City Manager to look for ways to make this a much simpler process in the future.

City Manager Owens commented that earlier staff had responded to some good questions that were received. He said that this is a “tool” for the Board and for the community and it can help staff figure out ways to make it as clear as possible on what is being done each time they make the quarterly amendments.

Alderman Harris commented that when she first joined the Board of Aldermen it was difficult to understand the budget transfer ins and outs, but now she feels that through a continuous improvement mode there is a better understanding.

Alderman Harris introduced Bill No. 6380 to consider an amendment to the FY2013 Budget to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6380, an ordinance to consider an amendment to the Fiscal year 2013 budget and appropriating funds pursuant thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6380 to consider an amendment to the FY2013 Budget to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6380 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6258 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING A TITLE VI PLAN/POLICY

City Manager Owens reported that this is a resolution to consider approval of a Title VI Plan and Policy. City Attorney O’Keefe assisted staff in developing a policy that comes into full compliance with federal regulations. East-West Gateway has mandated that the policy is registered with all agencies that are applying for grants and staff wanted to make sure there is an up-to-date policy in place.

Alderman Harris moved to approve Resolution No 13-04, the City of Clayton Title VI Plan/Policy. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO APPROVE THE EVENT CALENDAR FOR THE CITY OF CLAYTON 2013 CENTENNIAL CELEBRATION

City Manager Owens reported that a number of programs and activities for the Centennial Celebration have been listed and the resolution is for the Board to endorse these activities.

Alderman Harris moved to approve Resolution No. 13-05, the 2013 Centennial Celebration Events Calendar. Alderman Maddox-Dallas seconded.

Mayor Goldstein stated that it is always a good plan to have a comprehensive list of events.

The motion passed unanimously on a voice vote.

A RESOLUTION IN SUPPORT OF THE FIX GUN CHECKS ACT AND OTHER MEASURES TO REDUCE GUN VIOLENCE

Mayor Goldstein clarified that the resolution is not a partisan statement from the City, but only as a way to support Congress in tightening up the gun laws. She shared with the Board a few random sample questions from a statistical study dated December 27-29, 2012. The study surveyed a random sample of voters, gun owners, and National Rifle Association (NRA) members and the study contrasts the approval rating of those three groups:

- (1) Should all gun buyers be required to pass a criminal background check no matter where they purchase the gun and no matter from whom they purchase it from?
Approval - 91% voters; 88% gun owners; 86% NRA members
- (2) Would you support banning federal assault weapons and high capacity ammunition devices?
Support – 81% voters; 71% gun owners; 60% NRA members
- (3) Would you ban high capacity ammunition magazines or gun clips that hold more than 10 bullets at a time?
Support – 72% voters; 59% gun owners; 47% NRA (48% NRA members opposed)
- (4) Voters support the Second Amendment and believe citizens have a right to own guns, but they also believe with gun ownership comes the need to engage in responsible policies.

Mayor Goldstein summarized that there is an overwhelming support in tightening up the law. She clarified again that the resolution is not about gun ownership, but tightening up legislation.

She stated that the final conclusion of the survey findings represents clear unambiguous evidence that after the New Town shooting people want a bold decisive action and stronger gun violence prevention legislation. There is a consensus among voters for expanding background checks and banning assault weapons and high capacity ammunition magazines.

Alderman Winings stated that he will be voting against the resolution and explained that it is a well-meaning resolution and appreciates Mayor Goldstein's comments and cited statistics. He said that the resolution goes beyond background checks and that he doesn't agree with all of the words in the resolution. He stated that he agrees with most of the "whereas" clauses and that some of the resolution makes sense, but the first "resolved" clause states "*that The City of Clayton will work to push for increased reporting of mental health...*" He is not sure what the City of Clayton will do to work towards this.

Alderman Winings stated that the next "resolved" clause states "*that The City of Clayton urges immediate passage of The Fix Gun Checks Act in the United States Congress...*" He said that he has not read or studied this Act and therefore does not want to urge Congress to pass it.

Alderman Winings stated that the next "resolved" clause states "*that The City of Clayton urges immediate passage of legislation that would get military-style weapons and high-capacity magazines away from our community and especially our schools.....gun trafficking...*" He said that these are terms that are not defined and to define these terms than would go to the heart of the

national debate that is happening right now of the Second Amendment, its limits, and the rights of gun owners to bear arms whether that is limited by a certain size “magazine.”

Alderman Winings feels that these are all fair questions to ask and with the debate that is going on nationally there is obviously Constitutional issues implicated by all of this.

Alderman Winings stated that generally speaking he has a general discomfort with the Board of Aldermen passing resolutions and weighing-in on national issues if there is not a direct and clear connection with the residents of the City of Clayton.

Alderman Garnholz commented that although she respects Alderman Winings’ comments, she does feel that this issue has a direct impact in Clayton, especially in various places of gatherings and especially the schools. She expressed that she strongly supports the resolution.

Alderman Garnholz noted the word “memorial” in the last paragraph of the resolution. City Attorney O’Keefe stated that this was a scribner’s error and it will be corrected.

Alderman Harris stated that she certainly respects Alderman Winings’ concerns, but she feels that a lot of what the resolution lists comes down to the safety of the schools. She feels that the City’s police force and the school district’s administration are looking hard at ways to be prepared in the event of a tragedy (i.e. gun violence that has been happening all over the Country). She said that the Board needs to do everything that it can to support this and help the schools get the tools needed to help combat those circumstances. She understands that not all of the wording is defined, but it is important for the Board to be supportive of the effort on a national level. She strongly supports the resolution.

Alderman Maddox-Dallas stated that she is also in support of the resolution and respects Alderman Winings’ thoughts. She noted that it may not be a municipalities’ “job” to address national issues, but the City’s history is wrought with lots of grassroots that have changed very important legislation from civil rights to the American Revolution. She said that it is out of the City’s purview as a smaller part in a larger piece of the government to take some action and support a national conversation, a consistency that has happened throughout history.

Alderman Harris moved to approve Resolution No. 13-06, in support of the Fix Gun Checks Act. Alderman Maddox-Dallas seconded.

The motion passed on a 6-Ayes; 1-Nay voice vote.

Other (6:30 pm)

Mayor Goldstein reported that she had a conversation with Ann Mack of Trailnet who is seeking the City’s support in their effort to seek grant funding for the Missouri’s Blue Print to Arrive Alive for pedestrians and bicyclists initiative. City Manager Owens stated that he would send a letter of support to the State Department of Traffic and Highways Safety Grant.

Mayor Goldstein reported that they met today with potential donors on the Shaw Park Overlay project. SWT is preparing a plan and will give a presentation to the Board at the next meeting and also give a presentation to the Parks and Recreation Commission on the evening of March 4th.

Alderman Maddox-Dallas thanked the Public Works crews for doing a great job clearing the streets during the recent snow storm.

Alderman Garnholz reported that the Clayton Century Foundation Executive Board met recently:

- All four bids received for the Enterprise Pavilion came over budget. Staff met with the bidders and discussed ideas to decrease some of the proposed construction expenses.
- The installation and dedication reception of the *Surls* art in the Nature Garden is scheduled for August 2013.
- The County library has turned down the offer of one of the *Trova* sculptures, but the Clayton School District has shown interest in acquiring one of the other pieces.
- The Hanley House porch dedication is scheduled for April 4th.
- The dog park group is anticipating opening the park on Memorial Day, they are targeting the month of April to begin accepting membership applications.
- Construction on the Shaw Park Recreational Trail will begin March 4 with expected completion in June.
- The Ralph Clayton event scheduled for February 21st was cancelled due to the snow storm.

Alderman Berger commented that the Ralph Clayton's Birthday event on February 22nd at the Ice Rink was a great event and very well attended.

There being no further business the regular meeting adjourned at 7:30 p.m.

Mayor

ATTEST:

City Clerk